

Notice of Allowability

Application No.

09/697,233

Examiner

Akiba K. Robinson-Boyce

Applicant(s)

PYCH, JOSEPH T.

Art Unit

3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to communications filed 2/1/07.
2. ☒ The allowed claim(s) is/are 2-8,10-13,17,18,33-43,45-52,56,57 and 59-62.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

2. Authorization for this examiner's amendment was given in a telephone interview with Joseph Born on 2/13/07.

The application has been amended as follows:

In claim 59, line 17, after "other list purchaser; and ", the following is added: "thereby forming a second list group of which each member is a prospect list thus identified". Also, in claim 59, line 19, after "from among", and before "second list group", the word "a" has been deleted, and the word "said" has been added.

In claim 60, line 16, after "other list purchaser; and ", the following is added: "thereby forming a second list group of which each member is a prospect list thus identified". Also, in claim 60, line 18, after "from among", and before "second list group", the word "a" has been deleted, and the word "said" has been added.

In claim 61, line 17, after "other list purchaser; and ", the following is added: "thereby forming a second list group of which each member is a prospect list thus identified". Also, in claim 61, line 19, after "from among", and before "second list group", the word "a" has been deleted, and the word "said" has been added.

In claim 62, line 23, after "other list purchaser; and ", the following is added: "thereby forming a second list group of which each member is a prospect list thus identified". Also, in claim 62, line 25, after the word "among", and before "second list group", the word "a" has been deleted, and the word "said" has been added.

Allowable Subject Matter

3. Claims 2-8, 10-13, 17, 18, 33-43, 45-52, 56, 57 and 59-62 are allowed.

Since allowable subject matter has been indicated, applicant is encouraged to submit formal drawings in response to this Office Action. The early submission of formal drawings will permit the Office to review the drawings for acceptability and to resolve any informalities remaining therein before the application is passed to issue. This will avoid possible delays in the issue process.

4. The following is an examiner's statement of reasons for allowance. None of the prior art of record either individually or in combination teach the following:

- a list purchaser indicated to have reported a successful use of a list in a first list group, and, for each list purchaser, identifying one or more prospect lists of which a successful use is indicated by the data to have been reported by the list purchaser.

The present invention discloses an apparatus and method for generating a targeted list of prospective customers. The allowable feature of presenting a list purchaser indicated by the data to have reported a successful use of a list in the first list group, and, for each such other list purchaser, identifying one or more prospect lists of

which a successful use is indicated by the data to have been reported by that other list purchaser is not disclosed by any prior art reference. The closest prior art, Saxe (US 5,636,346) shows a method and system for selectively targeting advertisements, where first, an American Express cardholder profile is created, and then a target list is created by "matching" the cardholder profile with a list of Consumers having similar characteristics. American Express then uses these lists of people they have already successfully signed up for the card to create an upgraded list. The second closest prior art, Heinly, discloses methods for coping with a market revolution. One solution presented involved maintaining a prospect list of former customers and of non-buying traffic to target potential buyers. Newly cited art, Anenberg et al discloses a method for constructing a preferred vendor list for use by buyers engaging in on-line purchasing communications with vendors. However, Saxe, Heinly and Anenberg et al all fail to disclose the feature of having a list purchaser indicated to have reported a successful use of a list in a first list group, and, for each list purchaser, identifying one or more prospect lists of which a successful use is indicated by the data to have been reported by the list purchaser. This distinct feature has been added to independent claims 33, 45, 59, 60, 61 and 62, and renders them and all claims that depend from them allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

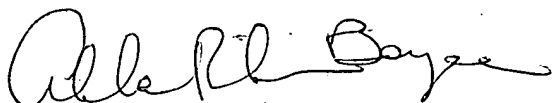
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Akiba K Robinson-Boyce whose telephone number is 571-272-6734. The examiner can normally be reached on Monday-Friday 9am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on 571-272-6708. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7238. [After final communications, labeled "Box AF"], 703-746-7239 [Official Communications], and 703-746-7150 [Informal/Draft Communications, labeled "PROPOSED" or "DRAFT"].

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

A handwritten signature in cursive script, appearing to read "A. R. B.", written in black ink.

A. R. B.

February 15, 2007